ಅಧ್ಯಕ್ಷರು.—ಸಭಾನಾಯಕರು ಮತ್ತು ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರು ಇಬ್ಬರೂ ಈ ಸಭೆಯಲ್ಲಿದ್ದಾರೆ. ಎಲ್ಲವನ್ನು ವಿಚಾರಮಾಡಿ ನೋಡೋಣ. ಯಾವು ದಾದರೂ ಒಂದು ರೀತಿಯಲ್ಲಿ ಕಾಲವನ್ನು ನೆಗದಿ ಈ ವಿಷಯವನ್ನು ಚರ್ಚಿಸೋಣ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಮಂತ್ರಿಗಳಿಗೆ ಮಾಡಿ ಅಪ್ಪು ಧೈರ್ಯವಿದ್ದರೆ, ಈ ವಿಷಯವನ್ನು ಚರ್ಚೆ ಮಾಡುವುದಿಲ್ಲ ಎಂದು ಈಗಲೇ ಹೇಳಲಿ.

Mr. SPEAKER.—You are practical.

Sri M. C. NARASIMHAN.—will he reply by to-morrow?

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಈ ವಿಷಯದ ಮೇಲೆ ಚರ್ಚೆಗೆ ಅವಕಾಶವಿಲ್ಲವೆಂದು ಹೇಳಲಿ, ಸಾಕು. ದೇಶದ ಹಣದಲ್ಲಿ 30 ಕೋಟಿ ರೂಪಾಯಿಗಳನ್ನು ಖರ್ಚುಮಾಡುವಾಗ, ಚರ್ಚೆಗೆ ಅವಕಾಶವಿಲ್ಲವೆಂದು, ಅವರಿಗೆ ಹೇಗೆ ಹೇಳುವುದಕ್ಕಾಗುತ್ತದೆಯೋ ನೋಡೋಣ.

Sri B. D. JATTI (Chief Minister).—The Statement has been made available to the Members. Let them read it. If they feel that there is something for which a discussion is necessary, we will see. It is not possible for me at this stage to say 'yes' or 'no'.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಇದೇನು 'ಹೈಪೊಥಿಟಿಕಲ್' ಅಲ್ಲ, ಸ್ವಾಮಿ.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.—ಚರ್ಚೆಯಾಗುವುದಾದರೆ ಇದನ್ನು ಓದಬೇಕು, ಇಲ್ಲದಿದ್ದರೆ ಓದಬಾರದು ಎಂದಲ್ಲ. ಸರ್ಕಾರದ ಉದ್ದೇಶ ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಕಲ ಮಾಹಿತಿಗಳನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಒದಗಿಸಬೇಕೆಂದಿತ್ತು. ಆ ಪ್ರಕಾರ ಈ ಸ್ಟೇಟ್‌ಮೆಂಟನ್ನು ತಮ್ಮ ಮುಂದೆ ಇಟ್ಟಿದ್ದೇವೆ. ಅದರಿಂದ ತಮಗೆ ಎಲ್ಲ ವಿಷಯಗಳೂ ಗೊತ್ತಾಗುತ್ತವೆ. ಈ ಮಾನ್ಯ ಸಭಾನದನ್ಯರಿಗೆ ತಿಳಿಯದಿರುವ ಹಾಗೆ ಯಾವ ವಿಷಯವನ್ನು ಮುಚ್ಚಿಡಲು ಆಗುವುದಿಲ್ಲ. ಆ ರೀತಿ ಮಾಡುವುದು ಸರ್ಕಾರದ ಉದ್ದೇಶವಲ್ಲ. ಆದ ಕಾರಣ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದ ಹಾಗೆ ತಮಗೆ ಒದಗಿಸಿರತಕ್ಕ ಮಾಹಿತಿಗಳನ್ನೆಲ್ಲಾ ತಾವು ಚೆನ್ನಾಗಿ ಓದಿ ಇನ್ನೂ ಉಳಿದಿರುವ ವಿಷಯವನ್ನು ತಿಳಿಯಬೇಕಾದರೆ ಇನ್ನೊಂದು ಸ್ಟೇಟ್‌ಮೆಂಟನ್ನು ಕೊಡುತ್ತೇವೆ. ಅದನ್ನು ಓದಿ ಆಗ ಈ ಸಭೆಯಲ್ಲಿ ಬಹುಮತವಿದ್ದರೆ ಈ ವಿಷಯವನ್ನು ಚರ್ಚೆಮಾಡಲು ಮುಂದೆ ಯೋಚನೆಮಾಡೋಣ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಈ ಸಭೆಯ ಬಹುಮತ ಈ ವಿಷಯದ ಚರ್ಚೆಗೆ ಇದೆಯೇ ಇಲ್ಲವೇ ಎಂದು ಮಂತ್ರಿಗಳು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. If we feel it necessary, will you allow discussion?

ಅಧ್ಯಕ್ಷರು.—ಈಗ ಆ ವಿಷಯ ಬೇಡ. ನಾಳೆ ಈ ವಿಚಾರವನ್ನು ತೆಗೆದುಕೊಳ್ಳೋಣ. ಈ ಸಂದೇಹಕ್ಕೆ ಏನು ಮಾಡಬೇಕೆಂಬುದನ್ನು ಮುಂದೆ ತೀರ್ಮಾನಿಸೋಣ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಈ ಸಭೆಯು ಬಹುಮತ ಎಂಬುದಾಗಿ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು. ನಾನು ಅರಿಕೆಮಾಡುವುದು ಏನೆಂದರೆ, ಈ ಸಭೆಯಲ್ಲಿ ಬಹುಮತ ಇಲ್ಲರತಕ್ಕ ಮೆಜಾರಿಟಿ ಪಾರ್ಟಿಗೇ ಇರುವುದು. ಆದುದರಿಂದ ಈ ವಿಷಯವನ್ನು ಮಂತ್ರಿಗಳು ಮತ್ತು ಮೆಜಾರಿಟಿ ಪಾರ್ಟಿಯು ಬೇರೆ ಕಡೆ ಚರ್ಚೆಮಾಡುವ ಅವಕಾಶವಿದೆ. ಪಾರ್ಟಿಮೀಟಿಂಗ್‌ನಲ್ಲಿ ಇದನ್ನು ಅಗಲೇ ಚರ್ಚೆಮಾಡಿ ಈ ಸಭೆಗೆ ಬಂದರೂ ಇನ್ನೂ ಈಗಲೂ ಬಹುಮತ ಎಲ್ಲವೆಂದು ಹೇಳಿದರೆ ಹೇಗೆ?

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ (ಮೈಸೂರು).—ವಿರೋಧ ಪಕ್ಷದವರೂ ಬಹುಮತವಿರಬೇಕೆಂದು ಮಂತ್ರಿಗಳು ಹೇಳಿದ್ದು.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಅದು ನನಗೆ ಗೊತ್ತಿದೆ. ಈ ವಿಷಯವನ್ನು ಮುಖ್ಯವಾಗಿ ಚರ್ಚೆ ಮಾಡಬೇಕೋ, ಬೇಡವೋ ಎಂಬುದನ್ನು ಯಾವಾಗ ಹೇಳುತ್ತೀರಿ?

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಯಾವಾಗಲಾದರೂ ಹೇಳಬಹುದು. ಹಾಗಿದ್ದರೆ, ಇದುವರೆಗೆ ಯಾವಾಗಲೋ ಹೇಳಬಹುದಾಗಿತ್ತು. You connot force me to reply positively at this stage.

Sri B. K. PUTTARAMIYA.—We have other remedies.

Sri B. D. JATTI.—You can use them

MADRAS SUGAR FACTORIES CONTROL (MYSORE AMENDMENT AND VALIDATION OF LEVY OF CESS) BILL, 1959.

Motion to consider.

Sri T. MARIAPPA (Minister for Finance).—I beg to move:

"That the Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Bill, 1959, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Bill, 1959, be taken into consideration."

Sri T. MARIAPPA.—Sir, this does not require any elaboration. What has been said in the Statement of Objects and Reasons would suffice. This validating legislation is necessary for us to recover the amounts due from the people.

The House adjourned for recess at Three of the Clock and re-assembled at Thirty Minutes past Three of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

†Sri M. C. NARASIMHAN (Kolar Gold Fields).—Sir, I want to make a few observations on this Bill. It is true that the Government have a right to lawfully collect all cesses and taxes due to them, but in this particular case the Bill seeks to validate the collection of sugarcane cess from 1954 onwards. When such a legislation in respect of the Madras Commercial Crops Levy of Cess Act came up before this House. We raised an objection. At that time it was no doubt held that this House had authority and power to enact a retrospective legislation. I am not repeating any of those objections raised at that time, in respect of the present Bill. But at that time many speakers on this side and also particularly Sri Puttaswamy belonging to the Congress Party made one observation and that was with reference to the propriety of by passing the High Court judgment. At least it was the unanimous opinion of many speakers at that time that the Government whenever they come forward in similar cases must clearly indicate as to what is the purport of the High Court judgment which they are seeking to bypass and what were the specific circumstances under which the High Court quashed a particular order of the Government. Here, unfortunately, there is not even the slightest indication about that and we do not even get to know under what grounds the High Court sought to quash the order, whether they were on substantial grounds or purely on technical grounds. Even that is not made clear in the Statement of Objects and Reasons. My submission in this regard is that in all such cases it would be good and in the best interests of the discussion here that they give more clearly and in a more elaborate manner what were the grounds and what was the reasoning of the High Court in relation to a particular matter. Otherwise it will be almost impossible for us to pass definite remarks about the Bill.

Secondly, clause 2 of the Bill is rather extraordinary because section 24 of the Mysore Sugarcane Cess Act, 1958, is a repealing provision and it has repealed all the enactments that were in force in the integrating areas like the Madras Sugar Factories Control Act, the Bombay Act, etc. The relevant parent Acts were all repealed on 1st December 1958. At that time I believe this matter was before the court, either before the High Court or before some other court. Was it not open to Government even at that time to have foreseen the objection and to consider the objection that was raised by the other party and make sufficient provision at the time of the repeal? At least the repeal could have been made conditional on certain matters. Unfortunately, that was not done and now we are asked to say that the repeal made then was wrong.

Well, hardly a year has passed since we repealed all the enactments in the various integrated areas and this has been brought now. This is, in other words, saying that the judgment of of the House was wrong. That is placing this House in a very embarrassing position. Sir, I have all the sympathy for the Finance Minister regarding the collection of the tax lawfully due to Government. I am completely in agreement in so far as the collection of taxes, especially direct taxes of this nature is concerned. That is not the point. But, this leads to a justifiable fear in the mind of the people and that is why I am raising this objection. Sir, the repealed provision of the Mysore Sugarcane Cess Act speaks of the various privileges under different enactments. If the rights and privileges were to be destroyed in a manner like this, it would not be good. If this is to be accepted, then the difficulty arises that in every other case whether it is justifiable, whether it helps the Government or whether it goes against an individual, irrespective of the merits, the Government may come forward and say, 'Validate this which has been repealed.'

Suppose a person is detained under the Prevention of Detention Act and the High Court declares that the detention is illegal. Suppose further that the Assembly is in Session at the time. The Government will come forward and say that the judgment

(SRI M. C. NARASIMHAN)

is not valid and the House should approve some enactment that is brought by Government in this behalf. So, if this is accepted, it would lead to such a similar situation also. That is why I say that this must be done only for very strong reasons and on strong grounds. The Minister must show what those strong and valid grounds are. Otherwise, it would lead to a very dangerous conclusion. That is my submission.

The Minister could intervene in the debate. He could also reply in the end.

Sri B. K. PUTTARAMIAH (Channapatna).—That is not supported by the rules.

Mr. SPEAKER.—There is no prohibition in the rules. There are two alternatives: one is to allow the Members to speak first and the Minister would reply in the end or the Member who has moved the motion might speak first and then be followed by the Minister and the other Members might catch up afterwards. Also, the Minister might reply at the end.

Sri KADIDAL MANJAPPA.—According to the interpretation I give, the Minister should reply only at the end.

Sri V. SRINIVASA SHETTY.—That is always better.

Mr. SPEAKER.—But the rule is not very clear on the point. There is a similar rule under 49. As a practical measure I would request the Minister to reply at the end and I would allow such of the members who have given me notice to speak in the mean time. Such notices have been given by Sriyuths A. S. Patil, Surpur, C. S. Hulkoti, Y. Ghorpade and S. D. Kothavale.

Sri K. KENCHAPPA.—What are we to understand by the terms 'previous intimation'? At eight this morning we knew of this motion and we were under the impression that the motion would be put before the House and Members could participate as usual. There is nothing in the rule to say that the Members should have given notice to speak, in writing, before the subject is taken on hand. As a matter of fact, we were told that the entire question of the food situation in the State would come up for discussion and this matter would be covered by that.

Mr. SPEAKER.—We are here concerned about the interpretation of the words 'previous intimation.' According to me they mean: 'previous to the subject being taken up in the House.'

Sri K. KENCHAPPA.—If that is the case an announcement should have been made in this House that those who wanted to participate might send in their names to the Speaker. We are being taken by surprise.

Mr. SPEAKER.—After the House is seized of the matter, an intimation given cannot be 'previous'. Previous means previous to the time when the House is seized of the matter. Just before 4 O'clock had the Hon'ble Member given in writing that he desired to take part in the debate, it would have been previous.

Sri K. KENCHAPPA.—It should not be interpreted so rigidly. I think it is better that at least some members who come from areas which are in the grip of distress should be allowed to speak.

Mr. SPEAKER.—No discretion rests with me in these matters. I am in the grip of the rules. I cannot interpret the rules as I like. If the Hon'ble Member says that he did not know the rule, I can only reply that ignorance of law is no excuse.

Sri K. KENCHAPPA.—It is not a question of ignorance, but it is a question of interpretation.

Mr. SPEAKER.—I have already given ruling. 'Previous' means previous to the time when the House becomes seized of the subject. So I cannot allow any member who has not given intimation previously to participate in the debate.

†ಶ್ರೀ ಎಂ. ಕೆ. ನರಸಿಂಹನ್ (ಇಂಡಿ).—ಸ್ವಾಮಿ, ರಾಜ್ಯದಲ್ಲಿ ಉಂಟಾಗಿರುವ ಅಭಾವ ಪರಿಸ್ಥಿತಿಯನ್ನು ಕುರಿತು ನಾನು ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಹೇಳಬೇಕೆಂದು ವಿಚಾರ ಮಾಡಿಕೊಂಡಿದ್ದೇನೆ. ಆದರೆ ನನ್ನ ಮಾನ್ಯ ಸ್ನೇಹಿತರಾದಂತಹ ಶ್ರೀ ಸಿದ್ಧಾಂತಿಯವರು ಎಲ್ಲ ಸಮಾಚಾರಗಳನ್ನು ವಿಶದವಾಗಿಹೇಳಿದ ಮೇಲೆ ನಾನು ವಿಶೇಷವಾಗಿ ಮಾತನಾಡುವ ವಿಷಯವೇನೂ ಇಲ್ಲ. ತಮಗೆ ನಾನು ಹೇಳುವುದಿಷ್ಟೇ. ಹಂಗಾಮಿಯಾಗಿ ಪ್ರತಿ ವರ್ಷವೂ ರಾಜ್ಯದಲ್ಲೆಲ್ಲಾದರೂ ಸ್ವೀರ್ ಸಿಟಿ ತಲೆದೋರುತ್ತದೆ. ಬಿಜಾಪುರದಲ್ಲಿ 1943ರಲ್ಲಿ

ದುಷ್ಕಾಲ ಬಂದಾಗ ಸುಮಾರು 1 ಕೋಟಿ ರೂಪಾಯಿಗಳನ್ನು ಖರ್ಚು ಮಾಡಿದಿರಿ. ಅದನ್ನು ಕುರಿತು ನಾನು ಹೇಳಬೇಕಾದರೆ.....

Sri B. K. PUTTARAMIAH.—I rise to a point of order. Rule 61 says that a member who has given notice may make a short statement and then the Minister shall reply shortly. Thereafter any member who has previously intimated the Speaker may be permitted to make a speech. Now the Hon'ble Member is speaking without the Minister making a statement in reply.

Sri KADIDAL MANJAPPA.—Probably, the Hon'ble Member was not here when the Chair considered this point and gave a ruling.

ಶ್ರೀ ಎಂ. ಕೆ. ನುರಪೂರ್—ದುಷ್ಕಾಲದ ನಲುವಾಗಿ ಒಂದು ಪರ್ಮನೆಂಟ್ ಮೆಷರ್ ಮಾಡಬೇಕೆಂದು ಪ್ರತಿ ವರ್ಷವೂ ಈ ಸಭೆಯಲ್ಲಿ 1947ನೆಯ ಇಸವಿಯಿಂದ ಹೇಳುತ್ತಲೇ ಬಂದಿದ್ದೇವೆ. ಆದರೆ ಸರ್ಕಾರದವರನ್ನು ನಾವು ಈ ಬಗ್ಗೆ ಎಷ್ಟೇ ವೇಳೆ ಕೇಳುತ್ತಿದ್ದರೂ ಉತ್ತರ ಸರಿಯಾಗಿ ಕೊಡುವುದಿಲ್ಲ. ಈ ವಿಷಯದಲ್ಲಿ ಒಂದು ಪರ್ಮನೆಂಟ್ ಮೆಷರ್ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತಿದ್ದೇವೆ. ಆ ಬಗ್ಗೆ ನನ್ನ ಮಾನ್ಯ ಸ್ನೇಹಿತರನೇಕರು ತೀವ್ರವಾಗಿ ವಿಷಯವನ್ನು ವಿವರಿಸಿ ಹೇಳಿಲ್ಲ. ಅವರು ಏಕೆ ಹೇಳಿಲ್ಲವೋ ನನಗೆ ತಿಳಿಯದು. ಸರ್ಕಾರಕ್ಕೆ ಈ ವಿಷಯವಾಗಿ ತೀವ್ರ ಗಮನಿಸಲು ಏನು ರೋಗ ಬಂದಿದೆಯೋ ಗೊತ್ತಿಲ್ಲ. ಸದಸ್ಯರಲ್ಲಿ ಶೇಕಡ 90 ಭಾಗ ದಷ್ಟು ಮಂದಿಯು ಬಂದು ಕಮಿಟಿಮಾಡಿ, ಒಂದು ರಿಪೋರ್ಟ್ ಕೊಡಲಿ, ಮುಂದೆ ಏನು ಹೇಳುತ್ತಾರೋ ಅದನ್ನು ಕಾಲಾನುಕಾಲಕ್ಕೆ ವಿಚಾರಮಾಡಿ ಅಮಲಿನಲ್ಲಿ ತರಬೇಕು ಎಂಬುದಾಗಿ ಹಿಂದೆ ಮಾತನಾಡಿದ್ದರು. ಆ ವಿಷಯದಲ್ಲೂ ಕೂಡ ನಮ್ಮ ಸರ್ಕಾರದವರು ಏನನ್ನೂ ಮಾಡಲಿಲ್ಲ. ಸಂಬಂಧಪಟ್ಟ ಆಫೀಸರು, ಸೆಕ್ರೆಟರಿಯವರು, ಇತರ ಇಬ್ಬರು ಮೂವರು ಸದಸ್ಯರನ್ನೊಳಗೊಂಡ ಒಂದು ಸಮಿತಿಯನ್ನು ಮಾಡುತ್ತೇವೆ; ಒಂದು ಸ್ಕೀಮ್ ಮಾಡುತ್ತೇವೆಂದು ಹಿಂದೆ ಹೇಳಿದಿರಿ. ಅದು ನರಿಹೋಗಲಿಲ್ಲ. ಈಗ ನಾನ್ ಆಫಿಷಿಯಲ್ ಮೆಂಬರುಗಳಿರತಕ್ಕಂಥ. ಕೆಲವು ಕಮಿಟಿಗಳನ್ನು ಸ್ಥಾಪನೆಮಾಡಿದಿರಿ. ಅದರಿಂದಲೂ ಅಷ್ಟು ಪ್ರಯೋಜನವಾಗಿಲ್ಲ. ಆದುದರಿಂದ ನಮ್ಮನೆ 40-50 ಮಂದಿ ಸದಸ್ಯರನ್ನೊಳಗೊಂಡ ಕಮಿಟಿಗಳನ್ನು ಮಾಡದೆ ಕೇವಲ 4-5 ಸದಸ್ಯರನ್ನೊಳಗೊಂಡ ಕಮಿಟಿಯನ್ನು ರಚಿಸಿ, ರೆವೆನ್ಯೂ ಇಲಾಖೆಯ ಸೆಕ್ರೆಟರಿಯವರನ್ನು ಈ ಕಮಿಟಿಯ ಸೆಕ್ರೆಟರಿಯಾಗಿರುವಂತೆ ಒಂದು ಸ್ಯಾಟ್ಯೂಡರ್ಡ್ ಕಮಿಟಿಮಾಡಿ. ಆ ವಿಚಾರದ ಬಗೆಗೆ ವರದಿಯನ್ನು ಕೊಡುವುದು ಆ ಕಮಿಟಿಯ ಕರ್ತವ್ಯ. ಮುಂದೆ ಅವರು ಕೊಟ್ಟ ನಲಹೆಗಳನ್ನು ತೀವ್ರವಾಗಿ ವಿಚಾರಮಾಡಬೇಕು. ಅದಕ್ಕೆ ತಕ್ಕಹಾಗೆ ಮುಂದೆ ಪರ್ಮನೆಂಟ್ ಮೆಷರ್ಸ್ ಕ್ಕೈಕೊಳ್ಳಬೇಕು. ದುಷ್ಕಾಲವಂತೂ ಎಲ್ಲಯೂ ಬರಬಾರದು. ಒಮ್ಮೆ ಕಮಿಟಿ ಜೀಡಮೆಂದು ಹೇಳುತ್ತೀರಿ, ಮತ್ತೊಮ್ಮೆ ಕಮಿಟಿ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳುವುದೂ ಉಂಟು. ನಾವು ಹಾಗೆಯೇ ದುಷ್ಕಾಲವನ್ನು ಹೋಗಲಾಡಿಸುತ್ತೇವೆಂದು ಹೇಳುತ್ತೀರಿ. ಈ ಸಭೆಯಲ್ಲ ಮೇಲಿಂದ ಮೇಲೆ ಈ ಪ್ರಶ್ನೆ ಬಂದಾಗ. ವಿಚಾರಮಾಡುತ್ತೇವೆಂದು ಸರ್ಕಾರದವರು ಹೇಳುತ್ತಾರೆ. ನಾವೇ ಕಾರು ಬಾರು ಮಾಡುತ್ತೇವೆಂದು ಹೇಳುತ್ತಾರೆ. ಕಮಿಟಿ ಮಾಡದೇ ಇದ್ದರೂ ಪರವಾಗಿಲ್ಲ. ಈ ದುಷ್ಕಾಲ ಸ್ಥಿತಿಯನ್ನು ಹೋಗಲಾಡಿಸುವುದಕ್ಕೆ ತಕ್ಕ ಪರ್ಮನೆಂಟ್ ಮೆಷರ್ಸ್‌ನ್ನು ಕೂಡಲೇ ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಒಂದು ಸಾರಿ ನಾನು ಬಿಜಾಪುರ—ಧಾರ್ವಾಡ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಕಾರಿನಲ್ಲಿ ಬರುತ್ತಿದ್ದೆ. ದಾರಿಯಲ್ಲಿ ನವಲಗುಂದ, ನರಗುಂದ ತಾಲ್ಲೂಕಿನ ಅನೇಕ ಭಾಗಗಳಲ್ಲರತಕ್ಕ ಜಮಿನನ್ನು ನೋಡಿದೆ. ಎಂತಹ ಜಮಿನುಗಳು! ಅವು ಹಾಳಾಗಿ ಹೋಗಿವೆ. ಸರ್ಕಾರಕ್ಕೆ ಇದುವರೆಗೂ ಈ ವಿಷಯ ಬಂದು ಮುಟ್ಟಿತೋ ಇಲ್ಲವೋ ಗೊತ್ತಿಲ್ಲ. ಆ ಬಗ್ಗೆ ಆಫೀಷಿಯಲ್ ರಿಪೋರ್ಟ್ ಬೇರೆ ಇಲ್ಲ. ಬೆಳಗಾಂ ತಾಲ್ಲೂಕಿನ ಅನೇಕ ಪ್ರದೇಶಗಳಲ್ಲಿ ಸ್ಪೀಕರ್ ಅವರು ಈಗಾಗಲೇ ತಿರುಗಾಡಿಕೊಂಡು ಬಂದಿದ್ದಾರೆ. ಅಲ್ಲದೆ ಶ್ರೀಮಾನ್ ಸಿದ್ಧಾಂತಿಯವರೂ ಸಹ ಎಲ್ಲಾ ವಿಚಾರಗಳನ್ನು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ನಾನು ಹೇಳುವುದೇನೆಂದರೆ ಜಾಗ್ರತೆಯಾಗಿ ಈ ಬಗ್ಗೆ ಏನಾದರೂ ಒಂದು ಪರ್ಮನೆಂಟ್ ಮೆಷರ್ ತೆಗೆದುಕೊಂಡು ಬಂದು ಈಗ ದೇಶದಲ್ಲ ಒದಗಿರತಕ್ಕ ದುಷ್ಕಾಲ ಪರಿಸ್ಥಿತಿಯನ್ನು ಹೋಗಲಾಡಿಸಬೇಕೆಂದು ನಾನು ಏನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ನನ್ನ ಸೂಚನೆಯಂತೆ ಪರ್ಮನೆಂಟ್ ಯೋಜನೆಯನ್ನು ಈ ವರ್ಷದಲ್ಲಿ ಈ ಬಗ್ಗೆ ವ್ಯವಸ್ಥೆಮಾಡಬೇಕೆಂದು ಏನಾದರೂ ಪ್ರಯತ್ನಮಾಡುತ್ತಿದ್ದೀರೋ, ಇಲ್ಲವೋ ಎಂಬುದಕ್ಕೆ ನನಗೆ ಒಂದು ಉತ್ತರ ಕೊಡಿ ಎಂದು ನಾನು ಮತ್ತೊಮ್ಮೆ ಏನಂತಿ ಮಾಡಿಕೊಂಡು ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

3-30 P. M.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಕೊಟಿ (ಮುಂಡರಗಿ).—ಸ್ವಾಮೀ, ದುಷ್ಕಾಲ ಅಥವಾ Scarcity conditions ಇದರ ಸಂಬಂಧವಾಗಿ ನಾಲ್ಕು ಮಾತುಗಳನ್ನು ಹೇಳಬೇಕೆಂದು ತಮ್ಮ ಮುಂದೆ ನಿಂತು ಅರಿಕೆ ಮಾಡುತ್ತಿದ್ದೇನೆ.

ಈ ವರ್ಷದ ದುಷ್ಕಾಲದ ಪರಿಣಾಮವಾಗಿ ಧಾರವಾಡ ಜಿಲ್ಲೆಯ ಪೂರ್ವ ಭಾಗಕ್ಕೆ ಮತ್ತು ಉತ್ತರ ಭಾಗಕ್ಕೆ, ಮತ್ತೆ ಗದಗ್ ತಾಲ್ಲೂಕಿನ ಪೂರ್ವಭಾಗಕ್ಕೆ ಮತ್ತು ಉತ್ತರ ಭಾಗಕ್ಕೆ; ಮುಂಡರಗಿ ಹೇಠಾದ ಕೆಲವು ಭಾಗಗಳಲ್ಲಿ ದುಷ್ಕಾಲದ ಪರಿಣಾಮ ಬಹಳ ವಾಗಿದೆ; ಮತ್ತು ಮಹತ್ವದ್ದಾಗಿದೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ಹೇಳಬೇಕಾದರೆ ಮುಂಡರಗಿ ಪೇಠಾದ ಭಾಗದಲ್ಲಿ ಜೂನು ತಿಂಗಳಿನಿಂದ ಅಕ್ಟೋಬರು ಆಖೈರಿನ ವರೆಗೆ ನರಾಸರಿ ಮಳೆಯು ಐದು ಇಂಚು ಸಹ ಬಾರದ ಕಾರಣದಿಂದ ಗದಗ್ ತಾಲ್ಲೂಕಿನ ಪೂರ್ವ ಭಾಗದಲ್ಲಿ, ಅಂದರೆ ಲಕ್ಕುಂಡಿ, ಹಾತಲಗೇರಿ ಅಡವಿ ಸೋಮಾಪುರ, ಸಭಾಪುರ, ತಿಮ್ಮಾಪುರ ಕನಗಿನಹಾಳ, ಉತ್ತರ ಭಾಗದಲ್ಲಿ, ಹೊಂಬಳ, ಬೆಳಗಾನೂರ ಲಿಂಗಧಾಳ್, ಕದಡಿ ಮುಂತಾದ ಗ್ರಾಮಗಳಲ್ಲಿ ದುಷ್ಕಾಲದ ಪರಿಸ್ಥಿತಿಯ ಪರಿಣಾಮ ಬಹಳ ಕಷ್ಟದ್ದಾಗಿದೆ ಈ ವಿಷಯದಲ್ಲಿ ನನ್ನ ಕೆಲವು ಮಿತ್ರರು ಈ ಬಗ್ಗೆ ಕೆಲವು ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳಿದ್ದರು ಅದಕ್ಕೆ ಉತ್ತರ ರೂಪವಾಗಿ ಎರಡನೆಯ ಪಂಚವಾರ್ಷಿಕ ಯೋಜನೆಯಲ್ಲಿ ಯಾವ ಯಾವ ಕಾಮಗಾರಿಗಳನ್ನು ವಿವರಿಸಲಾಗಿದೆಯೋ ಅಂತಹ ದುಷ್ಕಾಲ ನಿವಾರಣಾ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲಾಗಿದೆ ಎಂದು ಮಾನ್ಯ ಕಂದಾಯ ಮಂತ್ರಿಗಳು ಉತ್ತರ ಕೊಡೋಣವಾಗಿದೆ. ಆದರೆ, ಎರಡನೆಯ ಪಂಚವಾರ್ಷಿಕ

(ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಕೋಟಿ)

ಯೋಜನೆಯಲ್ಲಿರುವ ಯಾವ ಕಾಮಗಾರಿಯೂ ಇಲ್ಲಿಯವರೆಗೆ ಪ್ರಾರಂಭ ಆಗಿರುವುದಿಲ್ಲ. ಎಂತಹ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಎಲ್ಲೆಲ್ಲಿ ದುಷ್ಕಾಲದ ಪರಿಸ್ಥಿತಿ ಒದಗಿರುವುದೋ ಅಂತಹ ಭಾಗಗಳಲ್ಲಿ ಕಾಮಗಾರಿಗಳನ್ನು ಆರಂಭ ಮಾಡಿದರೆ ಮಾತ್ರ ಅನುಕೂಲವಾಗುತ್ತದೆ.

ಆದುದರಿಂದ ನಾನು ಸರಕಾರಕ್ಕೆ ವಿನಂತಿಮಾಡಿಕೊಳ್ಳುವುದೇನೆಂದರೆ ಎಲ್ಲ ಪಂಚವಾರ್ಷಿಕಯೋಜನೆಯಂತೆ ಯಾವ ಕಾರ್ಯಕ್ರಮವನ್ನೂ ಕೈಗೊಂಡಿಲ್ಲವೋ ಅಂತಹ ಭಾಗಗಳಲ್ಲಿ ಕಾಮಗಾರಿಗಳನ್ನು ಇದಕ್ಕೋಸ್ಕರ ಪ್ರಾರಂಭಿಸಬೇಕೆಂದು ನಾನು ಸರಕಾರಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡುತ್ತೇನೆ.

ಈ ಬರಗಾಲದ ಬಗ್ಗೆ ಈವರೆಗೂ ಡೆಪ್ಯುಟೀ ಕಮಿಷನರ್‌ಗೆ, ತಹಸೀಲುದಾರ್ ಅಸಿಸ್ಟೆಂಟು ಕಮಿಷನರ್ ಮತ್ತು ಡಿವಿಜನಲ್ ಕಮೀಷನರವರ ಬಳಿ ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇವೆ. ಇದೇ ಪ್ರಕಾರ ಸರಕಾರಕ್ಕೂ ಕೂಡ ವಿನಂತಿ ಮಾಡಿಕೊಂಡದ್ದಾಗಿದೆ. ಅವರೂ ಕೂಡ ಸಾಕಷ್ಟು ಕಾಮಗಾರಿಗಳನ್ನು ಇನ್ನೂ ಪ್ರಾರಂಭ ಮಾಡಿರುವುದಿಲ್ಲ.

ಗದಗ್ ತಾಲ್ಲೂಕಿನ ಪರಿಸ್ಥಿತಿಯನ್ನು ಕುರಿತು ಹೇಳಬೇಕಾದರೆ ಈ ಎರಡನೆಯ ಪಂಚವಾರ್ಷಿಕ ಯೋಜನೆಯಲ್ಲಿ, ಈ ಹರಲಾಪುರ, ತಿಮ್ಮಾಪುರ, ಲಕ್ಕುಂಡಿ ಮುಂತಾದ ಕಡೆಗಳಲ್ಲಿ ಯಾವ ಕಾರ್ಯಕ್ರಮಗಳನ್ನೂ ಇಲ್ಲಿಯವರೆಗೂ ತೆಗೆದುಕೊಂಡಿಲ್ಲ. ಇದೇ ಪ್ರಕಾರ ಇದರ ಉತ್ತರ ಭಾಗದಲ್ಲೂ ಯಾವ ಕಾಮಗಾರಿಗಳೂ ಪುರುವಾಗಿರುವುದಿಲ್ಲ, ಇದರ ಪರಿಣಾಮವಾಗಿ ಸಾಕಷ್ಟು ಕೂಲಿಗಾರರಿಗೆ ಕೂಲಿಸಿಗದಂತಹ ಪರಿಸ್ಥಿತಿಯುಂಟಾಗಿದೆ.

Sri H. M. CHANNABASAPPA (Minister for Public Works and Electricity).—Sirur Tank work costing about 10 lakhs, is going on; Gadag—Koppal Road work costing about 7 lakhs is going on. Savanur Road work is going on. Bhadrapur Road work is going on Dharma Project is going on. Haralapur-Hallikeri road work is going on.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಳ್ಕೋಟಿ.—ನಾನು ಸರಕಾರದ ಗಮನಕ್ಕೆ ತರುವುದೇನೆಂದರೆ, ನಮ್ಮ ಕಡೆ ಕಾಮಗಾರಿ ಕೆಲಸವನ್ನು ಕಂಟ್ರಾಕ್ಟು ಕೊಟ್ಟಿರುವುದರಿಂದ ಆ ಕಂಟ್ರಾಕ್ಟರುಗಳು ತಾವೇ ಕೂಲಿಯವರನ್ನೂ ಕರೆದುಕೊಂಡು ಬಂದಿದ್ದಾರೆ. ಆದರಿಂದ ಸುತ್ತ ಮುತ್ತ ಇರುವ ಗ್ರಾಮದವರನ್ನು ಈ ಕೆಲಸಗಳಿಗೆ ಉಪಯೋಗ ಮಾಡಿಕೊಂಡಿರುವುದಿಲ್ಲ. ಇದರಿಂದಾಗಿ ಈಗ ಸುತ್ತ ಮುತ್ತಲಿನ ಗ್ರಾಮದವರಿಗೆ ಕೂಲಿ ಸಿಕ್ಕುತ್ತಿಲ್ಲ.

ಇನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸಿರೂರು ಕೆರೆ ಪುರುವಾಯಿತು ಎಂದರು. ಧಾರವಾಡದ ದಕ್ಷಿಣ ಭಾಗದಲ್ಲಿ, ಪಶ್ಚಿಮ ಭಾಗದಲ್ಲಿ ಕೆಲವು ಕಾಮಗಾರಿ ಕೆಲಸಗಳನ್ನು ವಿವರಿಸಲಾಗಿದೆ. ಆದರೆ, ಈ ಗ್ರಾಮದವರು ತಮ್ಮ ಗ್ರಾಮವನ್ನು ಬಿಟ್ಟು ಬೇರೆ ಕಡೆಗೆ ಹೋಗಬೇಕೆಂದರೆ ಅವರ ಪರಿಸ್ಥಿತಿ ಅಷ್ಟು ಚೆನ್ನಾಗಿರುವದಿಲ್ಲ. ಅಲ್ಲಿ ಇರಲಕ್ಕೆ ಜಾಗ ಸಿಕ್ಕುವುದಿಲ್ಲ. ಸಣ್ಣ ಸಣ್ಣ ತಮ್ಮ ಮಕ್ಕಳು ಮರಿಗಳನ್ನು ಬಿಟ್ಟು ಅಲ್ಲಿಗೆ ಹೋಗಿ ಕೆಲಸ ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಇಂತಹ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಕೆಲಸಮಾಡುವುದರಿಂದ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಆದುದರಿಂದ ನಮ್ಮೀಪವಿರುವ ಗ್ರಾಮಗಳಲ್ಲೇ ಕೆಲಸಗಳನ್ನು ಪ್ರಾರಂಭಿಸಿದರೆ ಅದರಿಂದ ಅನುಕೂಲವಾಗುತ್ತದೆ ಎಂದು ಹೇಳಬಯಸುತ್ತೇನೆ.

4 P.M.

ಈ ವಿಚಾರಗಳನ್ನು ನಾನು ನನ್ನ ಸ್ವಂತವಾಗಿಹೇಳುತ್ತಿಲ್ಲ. ನಿಮ್ಮಕಡೆಯಿರತಕ್ಕ ಸದಸ್ಯರು ಮಾತನಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದುದ್ದನ್ನು ನಾನೀಗ ತಮಗೆ ತಿಳಿಸುತ್ತಿದ್ದೇನೆ. ನಿಮ್ಮಪಾರ್ಟಿಯ ಜನಗಳೇ ನಿಮ್ಮ ಬೆನ್ನು ಹಿಂದೆ ಕುಳಿತು ಇಷ್ಟನೆಲ್ಲಾ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಪೊನ್ನೆ ರಾತ್ರಿ ಒಂದು ಕಡೆ ನಿಮ್ಮ ಪಕ್ಷದ ಎಲ್ಲಾ M.L.A. ಗಳೂ ಮತ್ತು M.L.C.ಗಳೂ ಅರ್ಧರಾತ್ರಿಯ ವರೆಗೂ ಕುಳಿತು ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲ ಚರ್ಚೆಮಾಡುತ್ತಿದ್ದರು. ಹಾಗೊಂದು ವೇಳೆ ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳು ಇದಕ್ಕೆ ಬಗ್ಗದಿದ್ದರೆ ಈ ಜತ್ತಿ ಮಂತ್ರಿಮಂಡಲದ ಮೇಲೆ ಅವಿಶ್ವಾಸನಿರ್ಣಯ ತಂದು ಅದರಲ್ಲಿ ಈಗಿರತಕ್ಕ ಮಂತ್ರಿಗಳನೆಲ್ಲ ಸಿಕ್ಕಿಹಾಕಿಬಿಡಬೇಕೆಂದು ತೀರ್ಮಾನ ಮಾಡಿ ಕೊಂಡಿದ್ದಾರೆ. ಆದುದರಿಂದ ಆ ಜನರ ಶಾಪ ನಿಮ್ಮ ಮೇಲೇಕೆ ಬೇಳಬೇಕು. ನಿಮಗೆ ಆರೋಗ್ಯ ಬೇರೆ ಚೆನ್ನಾಗಿಲ್ಲ. ಆದುದರಿಂದ ಮಾನ್ಯ ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳನ್ನೂ ಕೆಲವು ದಿವಸಬಾಳಲಿ, ಶ್ರೀ ಜತ್ತಿಯವರ ಮಂತ್ರಿ ಮಂಡಲ ಇನ್ನೂ ಕೆಲವುಕಾಲ ಇರಲಿ, ದೇವರು ನಿಮಗೆಲ್ಲ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಆಯುರಾರೋಗ್ಯವನ್ನು ಕೊಡಲಿ ಎಂಬ ಉದ್ದೇಶದಿಂದ ಮಾನ್ಯಮಂತ್ರಿಗಳು ಈ ತಿದ್ದುಪಡಿಯ ಮಸೂದೆಯನ್ನು ದಯವಿಟ್ಟು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿ ನಾನು ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†Sri K. KENCHAPPA (Hiriyur).—The title of the Bill is:—

> "A Bill to amend Section 14 of the Madras Sugar Factories Control Act, 1949, as in force in Bellary District before its repeal by the Mysore Sugarcane Cess Act, 1958."

So section 14 was repealed by the Mysore Sugarcane Cess Act, 1958 that is Mysore Act 27 of 1958. Section 14 is not at all in force now. Then what is it that we have got to amend? The preamble reads as follows:

> "Whereas it is expedient to amend Section 14 of the Madras Sugar Factories Control Act, 1949 (Madras Act XX of 1949), as in force in Bellary District, before its repeal by the Mysore Sugarcane Cess Act, 1958 (Mysore Act 27 of 1958), to validate the levy of cess under the said Section and to provide for certain other matters.."

Therefore, the attempt is to substitute something for section 14 which was prevailing in Madras, and which is not at all in existence now. What were the previonsion which were questioned from the point of validating them

in the previous Act? As the Statement of Objects and Reasons says, what was the validity of the notifications that were questioned, what were the points that were questioned, how were they decided? This is the only factory existing in Bellary District and is it the intention of the Government to overlook the decision of the High Court and collect the sugarcane cess once again though there is a finding of the High Court? These are the various things that we have got to know because it would become impossible to say what it means in the absence of clear expression of intention.

Sri V. S. PATIL.—So far as the present amendment that has been moved is concerned, it appears that we have enacted our Act, Mysore Act No. 27 of 1958, as though we are celebrating the Ganapathi festival, but the High Court has thrown that image into the water; it is already dissolved; there is no trace about it so far as the High Court is concerned.

Sri T. MARIAPPA.—You are entirely mistaken. What the High Court collect cess said is this *viz.* that you cannot prior to the date of the integration. The Act is not pronounced null and void. Please make a distinction between one thing and the other. Notifications are held not to apply to the period prior to the date of the integration.

†Sri V. S. PATIL.—While preparing this enactment, in section 24 of Act 27 of 1958.....there ought to have been a provision that all notifications issued before the date of this Act under the provisions of certain repealed Acts shall be in force; that provision ought have been to have been in the repealing section. If those words had been there, the High Court would not have interfered. They should see that the previous records are kept intact. Otherwise all these things will really happen. So instead of making legislation in a hurry, we should carefully examine what should be the effect of our enactment on the past acts done or the past orders passed by the Government in pursuance of the particular section. In this particular case, section 14 of the Madras Act is not in existence at all. That has already been repealed in 1958 and now our Minister wants to amend that particular section which is not in existence here. I doubt whether this could be done by the House at this stage. At the most, the Minister would have been better advised if he had changed the wording in section 24 which relates to the repealing provision and then he ought to have made a provision with some retrospective effect about giving validity to all these notifications. Instead of that, there is no use trying to change or bring into force an enactment or section that is not in existence. So I request you to consider it again instead of hurriedly passing it whether the suggestion made by us is proper and whether it will be in the interests of the department concerned.

Sri T. MARIAPPA.—This is a very simple Bill. I want to make it very clear that Bellary became part of Mysore from 1st October 1953. Therefore, there was only one sugar factory in Bellary area which came over to us—the Indian Sugar Refineries, Ltd. Now, as the House is aware, the Government has a right to levy sugarcane cess for certain objectives and the sugarcane cess is not going to be part of general revenues at all. That we earmark for certain purposes. Therefore, we are collecting cess from every factory into which sugarcane being brought for the purpose of crushing. Therefore, the Mandya Sugar Factory was paying the sugarcane cess; every sugar factory was paying it. Bellary became part of Mysore from 1st October 1953. Therefore, the first notification was issued on 8th January 1954. Cess was collected. Then the second Notification was issued on 4th December 1954. The Company began to pay as and when notification was issued from the day of crushing. Therefore, there was no quarrel whatever for some time; but they took up the position that the notification would not have retrospective effect and that you could collect cess only from the date of the notification. In one case, with regard to the notification dated 19th April 1956, we went before the High Court on the ground

(SRI T. MARIAPPA)

that even though the notification might have been issued after the crushing began, in fact the sugar factory ought to pay from the date of crushing because sugarcane had entered into the factory area. On ethical principles, the sugar factory is bound to pay the cess. The wording is 'entry into the factory area'. Now all the while it was assumed that the notification, whatever be the date on which it was issued, would cover the entire period from the time the sugarcane was brought into the factory for the purpose of crushing. But, they went to the High Court. They questioned the first Notification of 9th April 1956. That was decided in favour of the State and that is pending before the Supreme Court. In respect of the Notifications dated 9th April 1956, 15th October 1957, 11th and 12th February (not 14th), after a great deal of arguments, the High Court held that the cess should only be collected from the date of Notification. The Notification will not have retrospective application from the date of crushing. Therefore we were advised not only by the Advocate General but also by the Law Department and the Secretary concerned who examined the whole question and came to the conclusion that instead of dealing with this matter piece meal and trying to have a decision in respect of each notification, it is much better to have a validating legislation so that all the notifications could be covered. In fact, as the House is aware, once sugarcane is brought into the factory, they are bound to pay cess. Unfortunately, in one case, the factory thought it advisable to go to the High Court. All factories are paying even now. In three of the notifications, the High Court held that the notification was effective from the date of notification and not prior to that. I admit that there is delay in the issue of notification. It was thought that once the crushing season began, the factory would pay for the entire crushing season, whatever be the date of the notification. There is also substantial support for this contention. The Madras High Court has held that the notification has retrospective operation, but that position was not accepted by the Mysore High Court. The factory has in fact filed a suit for refund of the moneys which they have already paid and in respect of which the High Court held that collection would be irregular. Complications have arisen and would arise in future if each of the notification is challenged. Therefore we thought it better to issue one validating legislation with a view to see that the notification is in force from the date of the crushing season and not from the date of its issue. There is no injustice involved in this. The factories are bound to pay sugarcane cess from the date of crushing. All the other aactories are paying and even the Hospet Factory is bound to pay. This is only a validating legislation with a view to safeguard Government moneys. Otherwise, we would have to refundthe money collected. Morover this money is not going to be part of the general revenues. It is intended for the development of that particular area in respect of communications, sugarcane research, etc. There is nothing personal in this.

I will give an example. Suppose the crushing season begins on 1st November and the notification is issued on 8th January. From 1st November to 8th January, we will not be able to collect cess; whereas they have already paid the cess for this period. On the basis of the present judgement of the High Court, they have filed a suit for refund. In fact, I would like to take the House into confidence and inform them that the total amount involved for the periods 1953-54, 1954-55, 1955-56, 1956-57, 1957-58 and 1958-59, is Rs. 44,07,697. It is not a small sum. The factory is bound to pay it. It is not a question of evading at all. If the notifications had been issued one day prior to the crushing season, they would have been bound to pay. The notification is merely a formal affair and the factories are bound to pay. Even granting that the notifications were invalid, they should have questioned the first notification itself. But they paid it for some time and then they tried to oppose the validity of the

notification. Therefore we should not allow the factory to walk away with public money. Only when Bellary became part of Mysore, there seems to have been some delay in the issue of notifications. Therefore Members would appreciate the reasonableness of this Bill. There is no hide and seek at all. We are not going to penalise them at all. They should not take shelter under a legal lacuna. I hope all Members would support me in safeguarding a sum of Rs. 44 lakhs. Government is not a charitable house to fritter away its resources. I hope all will appreciate the stand of the Government. At the earliest possible moment, we have come before the House.

Sri M. C. NARASIMHAN.—The Minister did not speak about Clause 14.

Sri T. MARIAPPA.—We are re-enacting section 14 and trying to validate the notification.

Mr. DEPUTY SPEAKER.—The question is:

"That the Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Bill, 1959 be taken into consideration."

The motion was adopted.

Mr. DEPUTY SPEAKER.—The question is:

"That clauses 2 to 6, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 both inclusive, were added to the Bill.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 1, the Preamble and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Preamble and the Title were added to the Bill.

Motion to pass.

Sri T. MARIAPPA.—Sir, I beg to move:

"That the Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Bill, 1959, be passed."

Mr. DEPUTY SPEAKER.—The question is:

"That the Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Bill, 1959, be passed."

The motion was adopted.

OFFICIAL RESOLUTION RE. RATIFICATION OF AMENDMENT TO ARTICLE 334 OF THE CONSTITUTION OF INDIA.

Sri B. D. JATTI (Chief Minister).—Sir, I beg to move the following resolution:

"That this House ratifies the amendment to Article 334 of the Constitution of India, proposed to be made by the Constitution (Eighth Amendment) Bill, 195 , as passed by the two Houses of Parliament."

Mr. DEPUTY SPEAKER.—Resolution moved:

"That this House ratifies the amendment to Article 334 of the Constitution of India, proposed to be made by the Constitution) (Eighth Amendment) Bill, 1959, as passed by the two Houses of Parliament."

Sri B. D. JATTI.—Sir, sub-clause (*d*) of the proviso to Article 368 of the Constitution of India requires ratification in the manner mentioned therein in the case of an amendment seeking to make any change in the representation of States in Parliament. The House of the People is a part of Parliament under Article 79. Not only is there privision for representation of States in the Council of States under article 80, but that even in respect of the House of the People also there is provision for